

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Keiton Smith,
Plaintiff,
v.
NDOC, *et al.*,
Defendants

Case No. 2:22-cv-00872-CDS-EJY

ORDER

9 On June 1, 2022, Plaintiff Keiton Smith, an inmate in the custody of the Nevada Department
10 of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-
11 1. A week later Plaintiff filed an application to proceed *in forma pauperis* (“IFP”). ECF No. 3.
12 Plaintiff’s IFP is incomplete. Plaintiff failed to submit a financial certificate and inmate account
13 statement for the previous six-month period. Attached to the Complaint, Plaintiff includes a letter
14 stating that he “turned in a financial sheet” and will file it with the Court once it is returned. ECF
15 No. 1-2.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's
21 approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
22 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
23 (i.e. page 4 of this Court's approved form), and
24 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
25 **six-month period.**

26 The Court construes Plaintiff's letter (ECF No. 1-2) as a motion for an extension of time to either
27 pay the filing fee or file a complete application to proceed *in forma pauperis*.

I. ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff's letter (ECF No. 1-2) is construed as a motion for an extension of time and is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 3) is DENIED without prejudice

IT IS FURTHER ORDERED that Plaintiff is granted a **one time extension** to file a complete IFP application containing all three of the required documents. Plaintiff must file a complete IFP application on or before **August 10, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time.

IT IS FURTHER ORDERED that if Plaintiff is unable to file a complete IFP application with all three required documents on or before **August 10, 2022**, the Court will recommend this case be dismissed without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a complete IFP application.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the IFP application. Alternatively, Plaintiff may choose not to file an IFP application and instead pay the filing fee of \$402 on or before **August 10, 2022** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court will not file the complaint unless and until Plaintiff timely files a complete IFP application with all three documents or pays the \$402 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

DATED this 10th day of June 2022.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE